

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NOCOMIE MOORE,

Plaintiff,

v.

SPOKANE COUNTY, *et al.*,

Defendants.

Case No. C22-1291-JLR-MLP

ORDER OF TRANSFER

This is a 42 U.S.C. § 1983 prisoner civil rights action. Plaintiff Nocomie Moore, proceeding *pro se*, is currently confined at the Federal Correction Institute, Dublin (“FCI Dublin”) in Dublin, California. Plaintiff has submitted to this Court for filing an application to proceed *in forma pauperis* and a proposed complaint. (Dkt. ## 3, 3-1.)

Plaintiff’s proposed complaint alleges that her right to be free from cruel and unusual punishment under the Eighth Amendment was violated on October 2, 2019, when she was refused medical care and requests for an x-ray scan after “an accident in my cell” that resulted in a broken hip. (Dkt. # 3-1 at 3-4.) Plaintiff alleges that she did not receive medical care until two days later. (*Id.*) Plaintiff identifies the following Defendants in her complaint: (1) Spokane

County; (2) “Nurses/Doctors” employed as “Medical Providers at Spokane County”; and (3) the Federal Bureau of Prisons (“BOP”). (*Id.* at 3.)

Though not entirely clear from the face of the complaint, it appears that the events giving rise to Plaintiff’s claim occurred in Spokane, Washington, which is located in the Eastern District of Washington, and that the proposed Defendants named in the complaint likely reside in the Eastern District as well.¹ Accordingly, venue is proper in that district. *See* 28 U.S.C. § 1391(b). When a case is filed in the wrong district, the district court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). This Court concludes that it is in the interest of justice to transfer the instant action. Accordingly, this case is hereby TRANSFERRED to the United States District Court for the Eastern District of Washington.

The Clerk is directed to take the steps necessary to transfer this case to the United States District Court for the Eastern District of Washington and to remove the case from this Court. The Clerk is further directed to send copies of this Order to Plaintiff.

DATED this 14th day of October, 2022.



JAMES L. ROBART
United States District Judge

Recommended for entry this
13th day of October, 2022.

s/ Michelle L. Peterson
MICHELLE L. PETERSON
United States Magistrate Judge

¹ Though Plaintiff has identified BOP as a Defendant, it is unclear from her complaint what specific relation BOP has to her claim and Plaintiff has not alleged any other relation of her claim or Defendants to this District.